

### **Section 102(b) Rejection:**

The Office Action rejected claims 1-7, 12-19, 23-31 and 34-38 under 35 U.S.C. § 102(b) as being anticipated by Drury et al. (U.S. Patent 5,452,459) (hereinafter “Drury”). As set forth in more detail below, Applicants respectfully traverse the rejections as to the currently pending claims.

**Drury does not teach a primary scheduler and a secondary scheduler as recited in claim 1.** In contrast, Drury teaches a single scheduler 103 to schedule requests from client 101. *See* Drury, Fig. 1 and col. 7, line 38 through col. 8, line 18. The portions of Drury quoted by the Examiner refer to the operation of the single scheduler 103. Drury clearly does not anticipate a primary scheduler and a secondary scheduler as recited in claim 1.

**Furthermore, Drury does not teach a secondary scheduler that is executable to receive a plurality of requests from a multi-threaded application in a thread-safe manner and send the requests to the primary scheduler in a thread-safe manner, as recited in claim 1.** Drury teaches that scheduler 103 receives requests from client 101. *See* Drury, col. 7, lines 49-53. However, Drury does not teach that client 101 is a multi-threaded application. Therefore, Drury clearly does not anticipate a secondary scheduler that is executable to receive a plurality of requests from a multi-threaded application in a thread-safe manner and send the requests to the primary scheduler in a thread-safe manner, as recited in claim 1.

Applicants remind the Examiner that for a rejection under section 102, the identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

For at least these reasons, claim 1, along with its dependent claims 2-14, are patentably distinct over the cited art.

**In regard to claims 15 and 27, Drury does not teach receiving a plurality of management requests from a multi-threaded manager application into a secondary scheduler in a thread-safe manner.** As discussed above, the requests in Drury are received from client 101 which is not described as a multi-threaded application. Therefore, Drury does not anticipate claims 15 and 27.

**Furthermore, Drury does not teach scheduling the plurality of management requests in a secondary queue in the secondary scheduler after receiving the management requests from the manager application, sending the management requests from the secondary scheduler to a primary scheduler in a thread-safe manner, and scheduling the management requests in a primary queue in the primary scheduler.** The sections of Drury cited by the Examiner only describe a single scheduler 103. Drury does not describe the secondary scheduler and primary scheduler and associate queues as recited in claims 15 and 27.

As such, claims 15 and 27, along with their dependent claims 16 – 26 and 28 – 38 are patentably distinct over the cited art for at least these reasons.

**Section 103(a) Rejection:**

The Office Action rejected claims 8-9, 21-22 and 33-34 under 35 U.S.C. § 103(a) as being unpatentable over Drury in view of Neufeld (U.S. Patent 5,974,438). Claims 10, 11, 20 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Drury. These claims are patentable for at least the reasons given above in regard to their respective independent claims. As such, Applicants respectfully request removal of the 35 U.S.C. § 103(a) rejections.

Applicants also specifically traverse the Examiner's rejections of each of the dependent claims under both § 102 and § 103. In regard to each dependent claim, Applicants see little, if any, relevance of the sections of Drury and Neufeld cited by the Examiner. For example, in regard to claims 2 and 3, the Examiner quotes from col. 8, line 1-19 of Drury. However, the portions quoted by the Examiner say nothing about a primary scheduler being single-threaded and a secondary scheduler being multi-threaded. Instead, Drury describes single- and multi-threaded servers, which are clearly not schedulers. Similarly, the section of Drury cited by the Examiner in regard to the lock limitation of claim 4 describes a prior solution whose shortcomings Drury seeks to overcome. Thus, Drury actually teaches away from the use of locks in his system. The other dependent claims are likewise easily distinguished over the cited art; however, since the independent claims have been shown to be patentably distinguishable, a thorough discussion of each dependent claim is not required at this time. However, Applicants reserve the right to make further arguments at a later date if necessary.

### **CONCLUSION**

Applicants submit the application is in condition for allowance, and notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-48600/RCK.

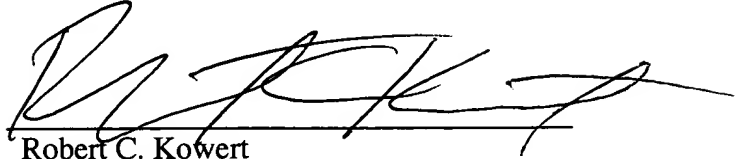
Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address

☐ Fee Authorization Form authorizing a deposit account debit in the amount of \$  
for fees (        ).

☐ Other:

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. C. Kowert', written over a horizontal line.

Robert C. Kowert

Reg. No. 39,255

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